



ARCUS

GREAT CRESTED NEWT NON-LICENCED METHOD STATEMENT

SOAY SOLAR FARM AND GREENER GRID PARK

STATKRAFT UK LTD

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1 INTRODUCTION AND BACKGROUND

Arcus Consultancy Services Limited (Arcus) were appointed by Statkraft UK LTD to complete a Great Crested Newt (GCN) (*Triturus cristatus*) Non-Licensed Method Statement (NLMS) to facilitate the Soay Solar Farm and Greener Grid Park (the Development), on land at Thornton, near York, East Riding of Yorkshire (the Site), approximately centred on National Grid Reference SE 76204 46514.

An application for planning permission (the Application) was submitted in December 2021, following which the layout and technical details of the Development have been amended to incorporate minor design changes. Due to an extended avoidance buffer distance from GCN ponds to a minimum of 100 m where no construction works will take place, a non-licensed approach to GCN is now being proposed and as such, this report has been produced to support the Application on that basis.

It is noted that GCN ponds are located within the north and central areas of the Site and therefore, the remainder of this document focuses on the solar panels and ancillary infrastructure that are located in this area.

1.1 The Development

The Development will be a solar farm and Greener Grid Park (GGP) with associated infrastructure including housing for inverters, transformers and electrical equipment as well as fencing, security cameras, cabling and access tracks.

Given the nature of the installation, ground excavation is not required for panel installation. Mounting structures for solar panels are typically pile-driven or screwed into the ground, allowing vegetation to continue to grow beneath and between the rows of panels. Areas of excavation would be limited to cable trenches and plinths for electrical equipment such as inverters and transformers. For the solar part of the Development, areas of new hardstanding would be limited to the substation and access tracks.

There would also be gaps between the rows of panels and around the perimeter of the panels up to existing boundaries, and therefore the area of land directly impacted by the Development is much smaller than the Site.

1.2 Ecological Assessment

To support the Application for the Development, a range of ecological surveys were undertaken. These surveys identified habitats dominated by arable land, delineated by hedgerows and field drains, with a small number of on-site ponds. The presence and assessment of aquatic habitats within 250 m of the Site, identified the requirement for GCN surveys.

An environmental DNA (eDNA) survey were undertaken on the following ponds: P1, P2, P5a, P5b and P6. Following the eDNA surveys, GCN presence was confirmed in three waterbodies (P1, P2 and P5b), and further GCN presence/absence and subsequent population surveys were carried out for the following ponds: P1, P2, P4, P5a, and P5b between March to June 2021. Pond locations are shown on Figure 1, Appendix A.

A small sized GCN population class was recorded in P1, P4 and P5a, which equates to ≤ 10 individuals. P1 was also identified as a breeding pond following evidence found during an egg search. GCN populations are expected to be part of the same meta-population based on the absence of barriers to dispersal and close proximity to each other.

A low impact is envisaged from the Development following the careful location of solar panels and infrastructure, the avoidance and retention of terrestrial habitat and on-site ponds suitable to support GCN within the Site, in combination with a small meta-population of GCN. The remaining habitats are considered to be of negligible value as GCN terrestrial

habitat, consisting of arable land. Therefore, adverse impacts on GCN foraging/ sheltering habitat from the Development are considered to be negligible.

Proposed mitigation and enhancement measures outlined within this document, including the creation of a Habitat Enhancement Area (HEA), will ensure that any impacts during construction are minimised. A European Protected Species Mitigation (EPSM) licence would not need to be sought from Natural England prior to the commencement of the Developments construction (see Section 3: Rationale for Licencing) and following the granting of planning permission.

Should any design details change then the contents of the document will need to be reviewed to ensure suitability.

2 RATIONALE FOR LICENCING

Construction of the Development will not require an EPS mitigation licence from Natural England to legally undertake works as the terrestrial habitats that will be temporarily disturbed during the construction phase area of negligible value to GCN.

No habitats of value to GCN will be impacted by the Development and a suitably sized buffer around the on-site ponds will be created. Whilst it is highly unlikely that there will be impacts to sheltering or foraging GCN within these areas of unsuitable habitat such as the arable land, there is still a very low potential to disturb commuting GCN and therefore precautionary measures need to be put in place to avoid this occurring.

To achieve this, works will take place under a Non-Licensed Method Statement (NLMS) for GCN. The NLMS details a method of works to ensure the construction of the Development does not impact GCN, their breeding sites or resting places, all of which are protected by UK and European law.

To ensure effective robustness, the NLMS requires that an avoidance buffer of 100 m from known GCN ponds from construction works is provided, with any habitat creation works within this distance completed under the supervision of a suitably experienced and licenced GCN ecologist.

3 PROTECTIVE LEGISLATION

GCN are legally protected by the Conservation of Habitats and Species Regulations 2019¹ (as amended) as European Protected Species (EPS). The intentional or reckless killing, injury or taking, and intentional or reckless disturbance of GCN whilst occupying a 'place used for shelter or protection' is prohibited, as is the destruction of these places.

4 MITIGATION MEASURES

The approach required to avoid impacts to GCN are detailed in the following sections. It is considered that the following measures will also safeguard a range of common species that may be present on the Site.

4.1 GCN Mitigation

All works are to be undertaken in habitats of negligible value for GCN, where the solar panels and infrastructure are to be installed in arable fields. No high-value terrestrial habitat accessible to GCN populations will be impacted or lost during the construction phase of the Development, and strict buffers will be in place around all on-site ponds and as well as hedgerow and woodland habitat.

¹ UK Government (2019) *The Conservation of Habitats and Species and Planning (Amendment) (EU Exit) Regulations 2019* [Online] Available at: <http://www.legislation.gov.uk/ukdsi/2019/9780111176573> (Accessed 06/07/22)

Nevertheless, mitigation is required as GCN have been confirmed on-site. Despite the mitigation described in the following sections, a precautionary approach is required to ensure individual GCN are not killed or injured during works and GCN habitats, including ponds, are not subject to disturbance.

Extensive enhancement measures will strengthen connectivity to higher value habitats, such as the HMA located to the north of the Site, linking P2 with Allerthorpe Common SSSI, which will provide further foraging, sheltering and commuting opportunities for GCN.

It is considered that the following approach will be sufficiently robust to ensure that no legal offence with respect to the killing or injury of GCN occurs.

4.1.1 Timing

As part of the Development works, habitat will be created within 100 m of known GCN ponds. This work will take place during the winter months; October to March, when GCN are hibernating, and less likely to be foraging and/or commuting across negligible value habitats, such as the arable fields. The timing restriction further limits the potential for disturbance to GCN.

The construction works within the remaining areas of the Site, beyond 100 m of known GCN ponds, can take place year round.

4.1.2 Preparatory Works

Prior to any activities being undertaken on the Site, contractors will be provided with a 'contractor briefing' from the supervisory ecologist prior to commencement of works. This will discuss the requirements for the protection of GCN and the measures that will need to be followed.

Following the contractor briefing, in order to facilitate personnel, vehicular and equipment access on Site, the supervisory ecologist will carefully conduct a hand search that will enable access to start works and to identify if there is any presence of GCN. A hand search of the access route into and around the Site and any compound areas will be carried out, with any natural or artificial refugia found (e.g., logs, stones, rocks etc.), lifted and checked for sheltering animals before being removed from the Site only if absent of GCN. Given that all works are limited to arable land only, such refugia are not expected to be present but, are included here for information should any be identified between planning and works commencing.

In the very unlikely event that GCN are found, this activity will halt immediately and both the GCN and its habitats will be retained in-situ within 100 m of the searched area, with works stopping immediately (within this area) to ensure that GCN are appropriately protected. Consultation with a GCN licenced ecologist and Natural England will need to be sought, which will likely require the submission of an EPS mitigation licence application. Works will then only be allowed to continue under a licence granted from Natural England.

Vehicle and equipment access will only be allowed within designated access routes, within the compound and within the defined work areas. These areas will be clearly demarcated for the duration of the works by tape and cane or Heras fencing, with advisory signage put in place to guide contractors and ensure that they are aware of the extent of working areas. No fencing which could prevent GCN from moving across the Site will be installed. Access through these areas will be approached carefully preferentially using existing tracks and access points into arable land areas, with vehicle tracking kept to a minimum as much as possible.

4.1.3 Location of Solar Panels

The Site is predominately comprised of arable fields with hedgerows and small woodland blocks at the boundaries. The arable fields do not provide shelter or foraging opportunities for GCN and are considered unsuitable to support GCN. The existing arable fields will be maintained as bare ground until works commence in order to deter GCN from using these areas for shelter or foraging.

No high value habitats for GCN will be lost by the Development such as the ponds, hedgerow and woodland habitats. On this basis, solar panels and infrastructure will be installed within arable fields only to ensure no GCN habitat is disturbed and/or lost during the construction phase of the Development.

In the very unlikely event that GCN are encountered within the arable habitat (i.e., where the Development will be located), it is proposed that activity within 100 m of this area will stop promptly and an ecologist contacted for advice.

4.1.4 Buffer Creation

A strict buffer of no works/personnel/material storage/activity will be created around the ponds on-site. The buffer areas will be clearly demarcated for the duration of the construction phase of the Development by tape and cane or similar and be located at a distance of *circa* 100 m from ponds, with advisory signage put in place to inform contractors and ensure they are aware of the extent of working areas. These exclusion buffers will be identified to all site personnel as part of the toolbox talk induction. There will be no access within these buffers unless supervised by an ecologist.

Whilst works are ongoing in a particular area beyond 100 m from known GCN ponds, further buffer zones will occasionally need to be created with Heras fencing constructed around terrestrial habitat, such as retained hedgerow and woodland to protect other important ecological features and avoid adverse effects, such as Root Protection Areas (RPAs) or nesting bird habitat. Activities in these areas need to be with respect to GCN as well as other important ecological features, and the advice of a GCN licenced ecologist should be sought to ensure that GCN are also not going to be subject to adverse effects in these areas.

4.1.5 Completion of Works

At the end of each day during construction, equipment will be parked / stored in pre-agreed, designated areas. This will help to reduce the potential for GCN to locate sheltering opportunities (e.g., within vehicles or equipment) in the works area during the night to shelter there during the day.

The use of Heras fencing or similar round the area currently subject to works, will be put in place at the end of each day to secure the works area and demarcate it.

On completion of the Development, following construction and soft landscaping, the Site is to be left clear of any materials, equipment and spoil heaps.

4.2 General Mitigation Measures

The Site provides foraging habitat for a range of common species, and mammals may use the Site for foraging and could be active in the area at night, so mitigation for GCN should be considered alongside mitigation for other important ecological features. In order to prevent harm, the following controls will be implemented during the works in parallel with GCN mitigation:

- No digging as part of the Development or vehicles to be driven over the RPA of the retained hedgerow and woodland, and no equipment or materials to be stored in these areas;

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- Cover excavations overnight to prevent animals from falling into them. Inspect excavations daily for the presence of animals before recommencing work on them;
 - Any excavations that are to be left open overnight should include a means of escape for any animal that may fall in;
 - Where feasible, works will be limited to the hours from dawn to one hour before sunset, with no artificial lighting to be allowed to spill onto woodland marginal habitats;
 - The creation of large stock piles of earth should be avoided as these may prove attractive for mammals, with a preference to backfill excavations in the same day that they are dug; and
 - Any waste material, including grass/scrub cuttings (if arising), will need to be removed from Site.

4.3 Habitat creation

There will be an HEA created as part of the Development, located in the north of the Site. The HEA will connect P2 to the Allerthorpe Common SSSI, located adjacent to the Site boundary, strengthening the hedgerows and enhancing commuting and foraging opportunities. The tree, grassland and scrub habitat planting within the HEA will be provided as mitigation to reduce any negative impacts from the Development.

Currently, GCN are restricted to the narrow linear habitat features on-site. The existing negligible value habitats of arable fields, where the solar panels and associated infrastructure will be installed, will be transformed and managed as grassland. This grassland habitat, beneath the solar panels, will be a significant enhancement to GCN, creating extensive foraging and commuting habitat and significantly improving connectivity across the entire Site. Overall, the Development will significantly improve biodiversity on-site, through proposed planting and the creation of a designated HEA, and within the local area. The long-term impacts of the Development during the operational phase will be positive not only to GCN, but to many other species, including reptiles and birds.

5 SUMMARY

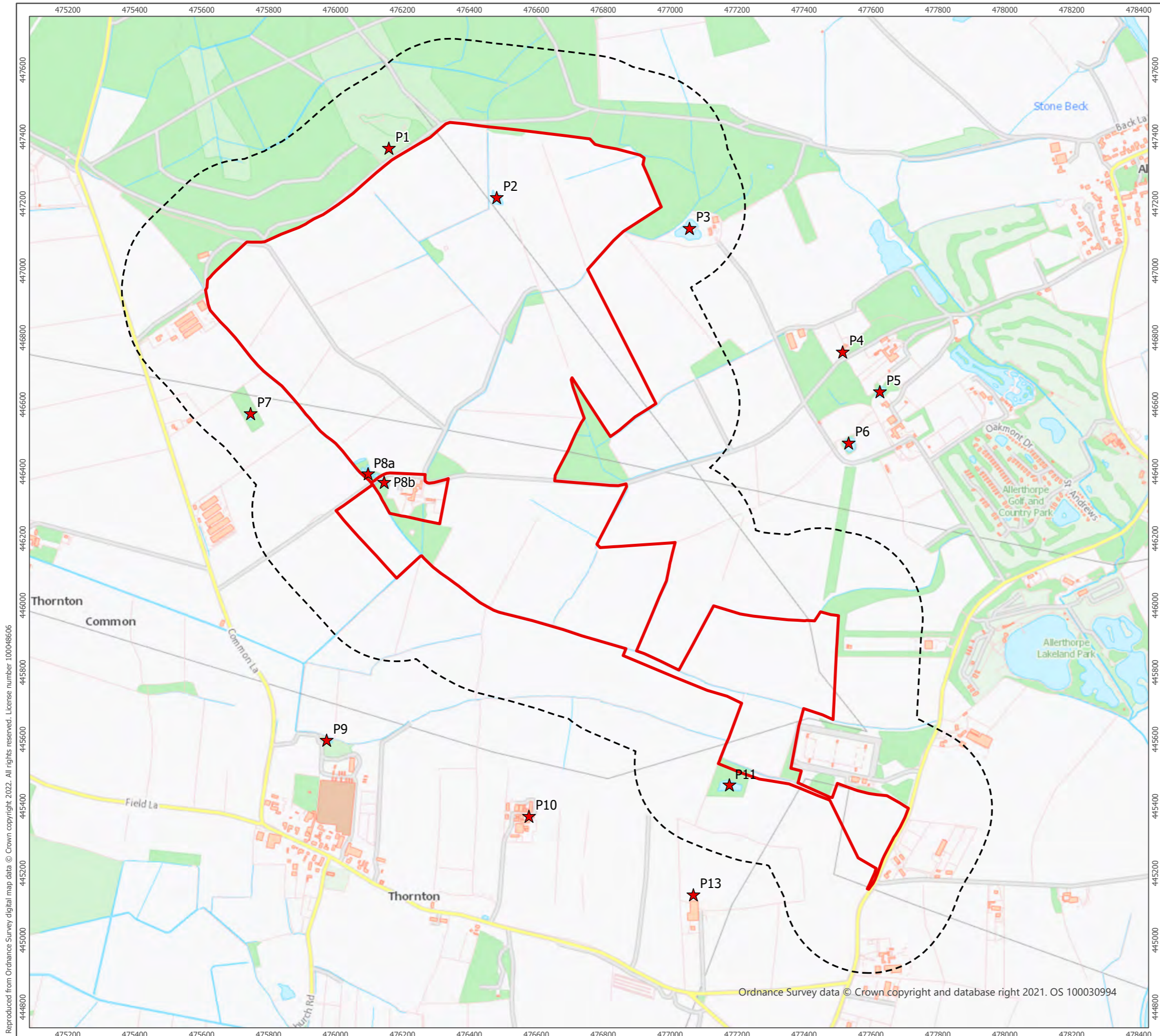
The Development has been sensitively designed to significantly minimise the potential for any negative impacts on GCN by following a precautionary approach within the NLMS. Following the approach above, this will ensure that GCN and GCN habitat are protected during the construction phase of the Development.

The arable habitat on-site has negligible potential to support GCN, no habitats of value to GCN will be impacted or lost by the Development. As all of the works will be undertaken in areas of negligible value for GCN, and it is considered highly unlikely that any harm or disturbance to protected and notable species such as GCN will occur as a result of the Development. As such, a Natural England EPSM licence is not required for the Development.

It is recommended that the works proceed under a NLMS as a precautionary approach to ensure the works do not impact upon GCN and/or habitats of value for GCN.

Furthermore, habitat created within the HEA, as mitigation, and the wildflower grassland beneath the solar panels, will replace the ecological low-value habitat which is currently present on-site. This will provide significant biodiversity enhancements for the Site and will ensure a conservation net gain as a result during the operational phase of the Development.

APPENDIX A – FIGURES



- Site Boundary
- 250 m buffer of Site Boundary
- ★ Pond

1:11,000 Scale @ A3
 0 260 520 m

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Pond Locations
Figure 1

Soay Solar Farm
Great Crested Newt
Non-Licensed Method Statement

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APPENDIX B – PLANNING POLICY AND LEGISLATION

The Wildlife & Countryside Act 1981

The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act (CROW) 2000 and the Natural Environment and Rural Communities Act (NERC) 2006, consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive), making it an offence to:

- Intentionally kill, injure or take any wild animal listed under Schedule 5 to the Act; intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 to the Act; intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection.

Habitat Regulations 2019

The Conservation of Habitats and Species Regulations 2017 (the 'Habitat Regulations'), as amended by the Conservation of Habitats and Species and Planning (Amendment) (EU Exit) Regulations 2019, are the principal means by which Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (the 'Habitats Directive') is transposed into law in England and Wales. The objective of the Habitats Directive is to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora. The Directive lays down rules for the protection, management and exploitation of such habitats and species and makes it an offence to deliberately capture, kill or disturb wild animals protected under the Habitat Regulations. It is also an offence to damage or destroy a breeding site or resting place of such an animal (even if the animal is not present at the time).